

REMARKS

In the Office Action mailed August 1, 2008 (hereinafter "Office Action"), Claims 1-8, 10-36, 39-50, 52, 53, 57-63, 66, and 67 were rejected under a double patenting rejection. But for the double patenting rejection, Claims 35 and 36 were indicated as allowable over the prior art of record. Claims 1-8, 10-34, 42-48, 53, 57-63, 66, and 67 were rejected under 35 U.S.C. § 103(a) as unpatentable over "Load Balancing a Cluster of Web Servers," by Aversa et al. (hereinafter "Aversa"), in view of "TCP Connection Migration," by Snoeren et al. (hereinafter "Snoeren"), and further in view of U.S. Patent No. 7,165,120, issued to Giles et al. (hereinafter "Giles"). Claims 49, 50, and 52 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aversa, in view of Snoeren, Giles, and U.S. Patent No. 6,185,619, issued to Joffe et al. (hereinafter "Joffe"). Claims 39-41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aversa, in view of Snoeren, Giles, and U.S. Patent No. 5,774,660, issued to Brendel et al. (hereinafter "Brendel").

Applicant thanks the Examiner for the indication of allowable subject matter in Claims 35 and 36. Applicant also thanks the Examiner for indicating in a telephone conversation that Claim 11 would be allowable if rewritten in independent form. Applicant respectfully disagrees with the rejections above, but has nevertheless amended the claims to add features in accordance with the Examiner's suggestions in order to further advance prosecution of the present application. Applicant has included a new claim, Claim 68, which recites the features of Claim 11 in independent form, and has also included new dependent Claims 69-73 to claim in dependent form features from their respective independent claims.

With regard to the double patenting rejection, applicant respectfully disagrees with the rejection, but has nevertheless included a terminal disclaimer herewith, thereby rendering this rejection moot. Applicant therefore respectfully requests withdrawal of the double patenting rejection.

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Accordingly, applicant respectfully requests reconsideration and allowance of the pending claims. If the Examiner has any questions that could help advance prosecution of the present application, he is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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